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**Fly-Breeding Places—Maintenance of, Prohibited. (Reg. Bd. of H., June 2, 1913.)**

SECTION 1. No person shall maintain in any city, town, or village, any horse or cow stable, garbage pile, dumping ground, or other place in such a manner that it will afford a feeding or a breeding place for flies.

SEC. 2. All manure shall be kept in closed bins and in such a way as to prevent the breeding of flies or else removed twice a week throughout the year.

**Spitting. (Reg. Bd. of H., June 2, 1913.)**

SECTION 1. It shall be the duty of health officers, judges, teachers, sheriffs, keepers of public buildings, depot agents, and conductors of railway trains and street cars to call attention to the evils of careless spitting and to assist the State board of health in the prosecution of those who violate the following section.

SEC. 2. All persons must spit upon the streets and into the gutters; and no person shall spit upon any sidewalk, or upon the floor of any place where food is handled or stored, nor upon the floor or wall of any courthouse, jail, schoolhouse, depot, railway coach, street car, nor upon the floor of any restaurant or hotel.

SEC. 3. It shall be the duty of any keeper of the above-named places to give publicity to help to enforce, by prosecution if necessary, any violator of the above section.

**NEW YORK.****State Department of Health—Officers—Powers and Duties. (Chap. 559, Act May 17, 1913.)**

SECTION 1. Section 2 of chapter 49 of the laws of 1909, entitled "An act in relation to the public health, constituting chapter 45 of the consolidated laws," is hereby amended to read as follows:

"SEC. 2. *State department of health; commissioner of health; deputy.*—The State department of health and the office of commissioner of health are continued. The commissioner of health shall be the head of such department. Such commissioner shall be appointed by the governor, by and with the advice and consent of the senate, and shall be a physician, a graduate of an incorporated medical college, of at least 10 years' experience in the actual practice of his profession, and of skill and experience in public health duties and sanitary science. During his term of office he shall not engage in any occupation which would conflict with the performance of his official duties. The term of office of the commissioner shall be six years, beginning on the 1st day of January of the year in which he is appointed. The commissioner of health shall appoint and at pleasure remove a deputy commissioner, who shall be a physician actively engaged in the practice of his profession in this State for at least 5 years. The deputy shall perform such duties as shall be prescribed by the commissioner."

SEC. 2. Such chapter is hereby amended by inserting therein three new sections, to be sections 2a, 2b, and 2c, to read as follows:

"SEC. 2a. *Public health council.*—There shall be a public health council to consist of the commissioner of health and six members, hereinafter called the appointive members, to be appointed by the governor, of whom at least three shall be physicians, and shall have had training or experience in sanitary science, and one shall be a sanitary engineer. Of the appointive members first appointed one shall hold office until January 1, 1914, one until January 1, 1915, one until January 1, 1916, one until January 1, 1917, one until January 1, 1918, and one until January 1, 1919, and the terms of office of members thereafter appointed, except to fill vacancies, shall be 6 years. Vacancies shall be filled by appointment for the unexpired term. The public health council shall meet as frequently as its business may require, and at least twice in each year. The governor shall designate one of the members of the public health

council as its chairman. The commissioner of health upon the request of the public health council shall detail an officer or employee of the department of health to act as secretary of the public health council, and shall detail from time to time such other employees as the public health council may require. The public health council shall enact and from time to time may amend by-laws in relation to its meetings and the transaction of its business. The members of the public health council other than the commissioner of health shall each receive an annual salary of \$1,000, and all members shall be reimbursed for their reasonable and necessary traveling and other expenses incurred in the performance of their official duties.

"*SEC. 2b. Sanitary code.*—The public health council shall have power by the affirmative vote of a majority of its members to establish and from time to time amend sanitary regulations, hereinafter called the sanitary code, without discrimination against any licensed physicians. The sanitary code may deal with any matters affecting the security of life or health or the preservation and improvement of public health in the State of New York, and with any matters as to which jurisdiction is hereinafter conferred upon the public health council. The sanitary code may include provisions regulating the practice of midwifery and for the promotion of health in any or all Indian reservations. Every regulation adopted by the public health council shall state the date on which it takes effect, and a copy thereof, duly signed by the secretary of the public health council, shall be filed in the office of the secretary of state, and a copy thereof shall be sent by the commissioner of health to each health officer within the State, and shall be published in such manner as the public health council may from time to time determine. The provisions of the sanitary code shall have the force and effect of law, and any violation of any portion thereof may be declared to be a misdemeanor. No provision of the sanitary code shall relate to the city of New York or any portion thereof, and every provision of the sanitary code shall apply to and be effective in all portions of the State except the city of New York unless stated otherwise.

"*SEC. 2c. Enforcement of sanitary code.*—The provisions of the sanitary code shall, as to matters to which it relates and in the territory prescribed therefor by the public health council, supersede all local ordinances heretofore or hereafter enacted inconsistent therewith. Each city, town, or village may, in the manner hereinafter prescribed, enact sanitary regulations not inconsistent with the sanitary code established by the public health council. The public health council shall have power to prescribe by regulations the qualifications of directors of divisions, sanitary supervisors, local health officers hereafter appointed, and public health nurses.

"The actions, proceedings, and authority of the State health department in enforcing the provisions of the public health law and sanitary code applying them to specific cases shall at all times be regarded as in their nature judicial, and shall be treated as *prima facie* just and legal. All meetings of said public health council shall in every suit and proceeding be taken to have been duly called and regularly held, and all regulations and proceedings to have been duly authorized unless the contrary be proved.

"The public health council shall have no executive, administrative, or appointive duties. It shall, at the request of the commissioner of health, consider any matter relating to the preservation and improvement of public health, and may advise the commissioner thereon, and it may from time to time submit to the commissioner any recommendations which it may deem wise."

SEC. 3. Section 3 of such chapter is hereby amended to read as follows:

"*SEC. 3. Compensation of officers and employees.*—The commissioner of health shall receive an annual salary of \$8,000, and his expenses actually and necessarily incurred in the performance of his official duties, to be paid monthly on the audit of the comptroller. The deputy commissioner of health shall receive an annual salary of \$5,000 and his expenses actually and necessarily incurred in the performance of his official

duties, to be paid monthly on the audit of the comptroller. The commissioner of health may employ such clerical and other assistants as are necessary for the proper performance of the powers and duties of the department and fix their compensation within the amount appropriated therefor by the legislature."

SEC. 4. Such chapter is hereby amended by inserting therein a new section, to be section 3a, to read as follows:

"SEC. 3a. *Divisions*.—There shall be in the State department of health the following divisions, together with such other divisions as the commissioner may from time to time determine: (1) Division of administration, (2) division of sanitary engineering, (3) division of laboratories and research, (4) division of communicable diseases, (5) division of vital statistics, (6) division of publicity and education, (7) division of child hygiene, (8) division of public health nursing, (9) division of tuberculosis. Each such division shall be under the management of a director appointed by the commissioner."

SEC. 5. Section 4 of such chapter is hereby amended to read as follows:

"SEC. 4. *General powers and duties of commissioner*.—The commissioner of health shall take cognizance of the interests of health and life of the people of the State and of all matters pertaining thereto. He shall exercise general supervision over the work of all local health authorities except in the city of New York. He shall be charged with the enforcement of the public health law and the sanitary code. He shall make inquiries in respect to the causes of disease, especially epidemics, and investigate the sources of mortality, and the effect of localities, employments, and other conditions upon the public health. He shall obtain, collect, and preserve such information relating to mortality, disease, and health as may be useful in the discharge of his duties or may contribute to the promotion of health or the security of life in the State. He may issue subpoenas, compel the attendance of witnesses and compel them to testify in any matter or proceeding before him, and a witness may be required to attend and give testimony in a county where he resides or has a place of business without the payment of any fees. The commissioner of health may reverse or modify an order, regulation, by-law, or ordinance of a local board of health concerning a matter which in his judgment affects the public health beyond the territory over which such local board has jurisdiction; and may exercise exclusive jurisdiction over all lands acquired by the State for sanitary purposes. The commissioner of health and any person authorized by him so to do may, without fee or hindrance, enter, examine, and survey all grounds, erections, vehicles, structures, apartments, buildings, and places."

SEC. 6. Such chapter is hereby amended by inserting therein three new sections, to be sections 4a, 4b, and 4c, to read, respectively, as follows:

"SEC. 4a. *Sanitary districts; sanitary supervisors; public health nurses*.—The commissioner of health shall from time to time divide the State, except cities of the first class, into 20 or more sanitary districts. He shall appoint for each of such districts a sanitary supervisor, who shall be a physician. Each sanitary supervisor, under the direction of the commissioner of health and subject to the provisions of the sanitary code, shall, in addition to such other duties as may be imposed upon him, perform the following duties:

"1. Keep himself informed as to the work of each local health officer within his sanitary district;

"2. Aid each local health officer within his sanitary district in the performance of his duties, and particularly on the appearance of any contagious disease;

"3. Assist each local health officer within his sanitary district in making an annual sanitary survey of the territory within his jurisdiction; and in maintaining therein a continuous sanitary supervision;

"4. Call together the local health officers within his district or any portion of it from time to time for conference;

"5. Adjust questions of jurisdiction arising between local health officers within his district;

"6. Study the causes of excessive mortality from any disease in any portion of his district;

"7. Promote efficient registration of births and deaths;

"8. Inspect from time to time all labor camps within his district and enforce the regulations of the public health council in relation thereto;

"9. Inspect from time to time all Indian reservations and enforce all provisions of the sanitary code relating thereto;

"10. Endeavor to enlist the cooperation of all the organizations of physicians within his district in the improvement of the public health therein;

"11. Promote the information of the general public in all matters pertaining to the public health;

"12. Act as the representative of the State commissioner of health, and under his direction, in securing the enforcement within his district of the provisions of the public health law and the sanitary code.

"The commissioner of health, whenever he may deem it expedient so to do, may employ such number of public-health nurses as he may deem wise within the limits of his appropriation, and may assign them from time to time to such sanitary districts and in such manner as in his judgment will best aid in the control of contagious and infectious diseases and in the promotion of public health.

"*SEC. 4b. Duties of commissioner with respect to laboratories.*—The commissioner of health shall establish and maintain one or more laboratories with such expert assistants and such facilities as are necessary for routine examinations and analyses and for original investigations and research in matters affecting public health. He shall have authority to make, at the expense of the State, such examinations and analyses at the request of any health officer or of any physician. He may enter into contracts with laboratories in localities accessible to the various portions of the State for the prompt examination of specimens received from local health officers or physicians and for the immediate report thereon, at the expense of the State: *Provided*, That all such laboratories shall conform to standards of efficiency established by the public-health council, and that no obligation shall be incurred by the commissioner in excess of the sums available therefor.

"*SEC. 4c. Duties of commissioner with respect to hospitals for contagious diseases.*—The commissioner of health shall from time to time submit to the authorities of the several municipalities of the State such recommendations as he may deem wise as to the establishment of hospitals for contagious diseases, indicating the diseases for which in his judgment provision should be made and the extent of such provision. It shall be the duty of the commissioner to inspect from time to time all hospitals for contagious diseases maintained under the jurisdiction of any municipal authority and to report as to the condition and needs of such hospitals to the authorities of the municipality, and to include an abstract of such reports in his annual report. The public-health council may from time to time establish regulations for the maintenance of hospitals for contagious diseases."

SEC. 7. Sections 11 and 13 of such chapter are hereby amended to read, respectively, as follows:

"*SEC. 11. Power of commissioner where board of health fails to appoint health officer.*—If any local board of health shall fail to appoint a health officer, the commissioner of health may, in such municipality, exercise the powers of a health officer thereof. The expenses lawfully incurred by him in such municipality shall be a charge upon and paid by such municipality until such time as a local health officer shall be appointed therein, whereupon the jurisdiction of the commissioner of health conferred by this section shall cease."

"SEC. 13. *Tenement houses in cities.*—The commissioner shall have power to examine into the enforcement of the laws relating to tenement houses in any city. Whenever required by the governor, he shall make such an examination and shall report the results thereof to the governor within the time prescribed by him therefor."

SEC. 8. Section 14 of such chapter, as amended by chapter 92 of the laws of 1910, is hereby amended to read as follows:

"SEC. 14. *Approval of plans for certain works built by State and inspection of State institutions by State commissioner of health.*—In all buildings and institutions owned, maintained, or controlled by the State the plans for all water supply, sewerage, sewage-disposal and garbage-disposal works, shall be subject to the approval of the State commissioner of health before being adopted or constructed. The State commissioner of health shall make from time to time, and at least once in each year, an examination and inspection of the sanitary conditions of all State institutions and transmit copies of his report and recommendations thereon to the president of the board of managers or trustees or other authority in charge of such institution and to the fiscal supervisor of State charities in case of institutions reporting to that official. It shall be the duty of the superintendents of said institutions to immediately report an outbreak of a contagious or infectious disease to the State commissioner of health, and upon receipt of such report the State commissioner of health shall advise the superintendent of said institution as to the best means to effectually control said disease. It shall be the duty of the State commissioner of health to make regular analyses of the water supplies of said institutions at least twice in each year, and furnish copies of his reports thereon to the president of the board of managers or trustees or other authority in charge of the institutions, and to the fiscal supervisor of State charities in case of institutions reporting to that official."

**Local Boards of Health—Powers and Duties—Officers (Chap. 559, Act May 17, 1913.)**

SEC. 9. Section 20 of such chapter [chap. 45, Consolidated Laws], as amended by chapter 165 of the laws of 1909, is hereby amended to read as follows:

"SEC. 20. *Local boards of health.*—There shall continue to be local boards of health and health officers in the several cities, villages, and towns of the State. In the cities, except cities of the first and second class, the board shall consist of the mayor of the city, who shall be its president, and at least six other persons, one of whom shall be a competent physician, who shall be appointed by the common council, upon the nomination of the mayor, and shall hold office for three years. Appointments of members of such boards shall be made for such shorter terms as at any time may be necessary, in order that the terms of two appointed members shall expire annually. In the cities, except cities of the first and second class, and such other cities whose charters otherwise provide, the board shall appoint, for a term of four years, a competent physician, not one of its members, to be the health officer of the city, and shall fill any vacancy that now exists or may hereafter exist from expiration of term or otherwise in the office of health officer of the city. In villages the board shall consist of the board of trustees of such village. In towns the board of health shall consist of the town board. The local board of health shall appoint a competent physician, not a member of the local board of health, to be the health officer of the municipality. The term of office of the health officer shall be four years and he shall hold office until the appointment of his successor. He may be removed for just cause by the local board of health or the State commissioner of health after a hearing; such removal by the local board of health must be approved by the State commissioner of health. The health officer need not reside within the village or town for which he shall be chosen, but unless he shall, he must reside in an adjoining town. Notice of the membership and organization of every local board of health shall be forthwith given by such board to the State department of health. The term "municipality," when used in this article, means the city,